



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,857	07/22/2003	Glen J. Anderson	P1917US00	6519

24333 7590 12/18/2006  
GATEWAY, INC.  
ATTN: Patent Attorney  
610 GATEWAY DRIVE  
MAIL DROP Y-04  
N. SIOUX CITY, SD 57049

EXAMINER
----------

JUNG, DAVID YIUK

ART UNIT	PAPER NUMBER
----------	--------------

2134

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/18/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/624,857

Applicant(s)

ANDERSON, GLEN J.

Examiner

David Y. Jung

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### CLAIMS PRESENTED

Claims 1-22 are presented.

### CLAIM REJECTIONS

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over DRM (<http://www.reed-electronics.com/semiconductor/article/CA231640>).

Regarding claim 1, DRM teaches "A computerized method for authenticating a diagnostic code, the method comprising:

receiving a diagnostic code for a component of a computer system (section "Defining E-Diagnostics and DRM", i.e., e-diagnostics, ... via network); and  
generating an authentication ... associated with the diagnostic code (section "DRM enterprise server", subsection "authentication", i.e., the user privilege is associated with the authentication for authorization, thereby the e-diagnostic is associated with the authorization)."

These passages of DRM do not explicitly mention "code" in the sense of the claim.

Nevertheless, it was well known in the art to have a "code" for the motivation of having a physical software program for actuating the authentication algorithm (the algorithm used in the code).

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify DRM for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claim 2 (authentication code using date value, etc.), such particular features are well known in the art for the purpose of security and for the purpose of keeping track of data.

Regarding claim 3 (authentication code using serial number, etc.), such particular features are well known in the art for the purpose of security and for the purpose of keeping track of data. Regarding claims 4-8, such particular features are well known in the art for the purpose of security.

Regarding claim 9, DRM teaches "A computerized system for authenticating a diagnostic code, the system comprising:

a diagnostic module operable to perform a diagnostic on a component of a computer system and to produce a diagnostic code(section "Defining E-Diagnostics and DRM", i.e., e-diagnostics, ... via network); and

an authentication code generation module operable to generate an authentication ... associated with the diagnostic code (section "DRM enterprise server",

Art Unit: 2134

subsection "authentication", i.e., the user privilege is associated with the authentication for authorization, thereby the e-diagnostic is associated with the authorization)."

These passages of DRM do not explicitly mention "code" in the sense of the claim.

Nevertheless, it was well known in the art to have a "code" for the motivation of having a physical software program for actuating the authentication algorithm (the algorithm used in the code).

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify DRM for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claim 9-11 (authentication code using serial number, etc.), such particular features are well known in the art for the purpose of security and for the purpose of keeping track of data.

Regarding claim 13 (authentication code using date value, etc.), such particular features are well known in the art for the purpose of security and for the purpose of keeping track of data. Regarding claims 14, (use of server, etc.) such particular features are well known in the art for the purpose of security across computers.

Regarding claim 15, DRM teaches "A computerized method for authenticating a diagnostic code, the method comprising:

receiving a diagnostic code for a component of a computer system (section "Defining E-Diagnostics and DRM", i.e., e-diagnostics, ... via network); and

generating an authentication ... associated with the diagnostic code (section "DRM enterprise server", subsection "authentication", i.e., the user privilege is associated with the authentication for authorization, thereby the e-diagnostic is associated with the authorization)."

These passages of DRM do not explicitly mention "code" in the sense of the claim.

Nevertheless, it was well known in the art to have a "code" for the motivation of having a physical software program for actuating the authentication algorithm (the algorithm used in the code).

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify DRM for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claim 16 (authentication code using date value, etc.), such particular features are well known in the art for the purpose of security and for the purpose of keeping track of data.

Regarding claim 17 (authentication code using serial number, etc.), such particular features are well known in the art for the purpose of security and for the purpose of keeping track of data. Regarding claims 18-22, such particular features are well known in the art for the purpose of security.

### ***Conclusion***

Art Unit: 2134

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

***Points of Contact***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

(571) 273-3836 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Jacques Louis-Jacques whose telephone number is (571) 272-6962.

Art Unit: 2134

David Jung

-----

A handwritten signature in black ink, consisting of a stylized 'D' followed by a horizontal line that ends in a small upward flick.

Patent Examiner

12/7/06